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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,273	11/21/2000	Hubert Helaine	Q61623	8432
7590	02/26/2004		EXAMINER	
Sughrue Mion Zinn Macpeak & Seas PLLC 2100 Pennsylvania Avenue N W Washington, DC 20037-3213			IQBAL, KHAWAR	
			ART UNIT	PAPER NUMBER
			2686	9
DATE MAILED: 02/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/716,273	HELAINE ET AL.
	Examiner	Art Unit
	Khawar Iqbal	2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2,4-9,11-16,18-22 are rejected under 35 U.S.C. 102(e) as being unpatentable by Shah (6029065).

3. Regarding claim 1 Shah teaches a telecommunication terminal for accessing a data network via an access network using a set of provisioning data (abstract), the terminal having means for storing a current set of provisioning data and means for storing at least one set of protected provisioning data that cannot be updated without the intervention of the terminal user (col. 8, lines 31-48).

Regarding claim 2 Leung et al teaches wherein the terminal is a mobile terminal (Fig.3).

Regarding claims 4,11,18 Shah teaches wherein the protected provisioning data storage means are adapted to store a plurality of sets of provisioning data for a plurality of accesses to the data network (col. 4, lines 1-25, col. 8, lines 5-16 and 31-48, col. 9, lines 55-62).

Regarding claims 5,12 and 19 Shah teaches wherein it includes identification data storage (network's feature codes) means for each provisioning set stored in the protected provisioning data storage means (40) (col. 4, lines 1-23, col. 8, lines 5-16 and 31-48, col. 9, lines 55-62).

Regarding claims 6,13,20 Shah teaches wherein the protected provisioning data storage means are in a medium dedicated (menu key) to an access network or to an operator (col. 4, lines 1-25, col. 8, lines 5-16 and 31-48, col. 9, lines 55-62).

Regarding claims 7, 17, and 21 Shah teaches wherein the protected provisioning data storage means are in a medium dedicated to an access or content provider (col. 4, lines 1-23, col. 8, lines 5-16 and 31-48, col. 9, lines 55-62).

Regarding claim 8 Shah teaches a telecommunication terminal for accessing a data network via an access network using a set of provisioning data (abstract), the terminal having means for storing a current set of provisioning data and means for storing at least one set of protected provisioning data that cannot be updated without the intervention of the access network operator (col. 8, lines 31-48).

Regarding claims 15 and 22 Shah teaches a telecommunication terminal for accessing a data network via an access network using a set of provisioning data (abstract), the terminal having means for storing a current set of provisioning data and means for storing at least one set of protected provisioning data that cannot be updated without the intervention of the access provider (col. 8, lines 31-48).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3,10,17 rejected under 35 U.S.C. 103(a) as being unpatentable over Shah (6029065) and further in view of Palkisto (6505047).

6. Regarding claims 3,10 and 17 Shah does not specifically teach packet switched data using Internet protocol or wireless application protocol.

In an analogous art, Palkisto teaches packet switched data using Internet protocol or wireless application protocol (abstract, fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Shah by specifically adding feature packet switched purpose of the use for packet radio network in order to enhance system performance of the system purpose of increasing efficiency of communication system as taught by Palkisto.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **BANKS-HAROLD, MARSHA**, can be reached at 703-305-4379.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2684 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

**Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.**

Khawar Iqbal

*Khawar Iqbal*

*Marshe D. Banks-Harold*  
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